بسم الله الرحمن الرحيم

ان الدين عند الله الاسلام

Muhammad, the Liberator of Women

By

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The Head of the Ahmadiyya Movement in Islam.

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بسم الله الرحمن الرحيم

نحمده ونصلي على رسوله الكريم

I

The various aspects of the life of the Holy Prophet (on whom be peace) are all so sublime, that in the matter of choice a writer on the subject soon finds himself baffled and selection becomes very nearly impossible. In consideration of present-day needs, however, I wish to take up that side of the Holy Prophet's life which concerns the way in which he purged the world of that form of utter slavery which had been for all time the curse of humanity, I mean, the slavery of women. Before the advent of the Holy Prophet (on whom be peace) women in all countries were in the position of slaves and chattels, and their slavery could not but have reacted adversely even on men; for sons of slaves can never assimilate the spirit of freedom.

There is no doubt that woman, either because of her beauty or because of her sterling character, has always been able, in individual cases, to dominate over man, but freedom thus obtained could not be termed true freedom, for the simple reason that it was not hers by way of right. It was only a matter of exception to the general rule, and freedom which is exceptional, can hardly lead to the culture of true aspirations.

The Holy Prophet (on whom be peace) had his advent about 1,350 years ago. Before his time, no religion or nation afforded to woman such freedom as she could use by way of right. Of course, in countries where no law obtained, she was free from all disabilities. Yet even this kind of freedom cannot be called true freedom. It is much rather described as license. True freedom is that which is reaped out of a state of civilization and conformity to law. The sort of freedom we get when we break the bounds of law is not freedom at all, because such freedom does not generate any strength of character.

II

At the time of the Holy Prophet (on whom be peace) and before, woman was placed in a condition in which she was not the owner of her property; her husband was regarded as the owner of her property. She did not have a share in the property of her father; nor could she inherit the property of her husband, though in some cases she had the right of managing it during the husband's lifetime. When married, she was either assigned to her husband for good as his property (and in no circumstances could she be separated from him), or in the alternative, it was given to the husband to divorce her, but not given to her to separate herself from the husband, however afflicted she might have been. Should the husband desert her, cease to discharge his obligations towards her, or run away from her, there was no law to protect her. It was obligatory on her to be resigned to her lot, and work for a living both for herself and her children. The husband was entitled, out of bad temper, to beat his wife; she was not to raise a voice against it. Should the husband die, the wife, in some countries, fell into the hands of her husband's relatives, who could then marry her to whomsoever they liked, either in charity or in return for some benefits received. In some places, on the other hand, she was merely the property of her husband. Some husbands would sell their wives or lose them in gambling and betting, and when they did so, they were considered to be within their rights. Woman had no right over her children, whether in her position of dependence as wife, or in a position of independence of her husband. In domestic affairs she had no privilege. Even in religion she had no status. Of the abiding spiritual blessings, she was to have no share. In consequence, husbands used to squander the property of their wives and abandon them without providing for their subsistence. She could not, even out of her own property, give away, in charity, or to help her relatives, except with the consent of her husband, and a husband who looked with greed on the property of his wife would hardly give his consent in such a matter. Of the property of her parents, to whom children are bound by a most deep and affectionate tie, woman was deprived of all share. And yet, daughters have as much claim on their parents as have the sons. Parents who out of a sense of justice, would give away, during

their lifetime, some of their property to their daughters, prepared only for strife in their families. It would not occur to the sons that after the parents' death they (the sons) would inherit the whole of their property (and therefore should not grudge their sisters receiving occasional gifts from their parents); all they considered was that their sisters, for the time being, were having more than they. Of the property, similarly, of her husband — with whom a wife has the relation of complete union — woman was, again, deprived altogether. Distant relatives of the husband could each claim a share, but not the wife — one, indeed, who was the possessor of his confidence, a lifelong partner of his, and whose labor and care must have so largely contributed to his income. On the other hand, when she managed all her husband's property, she did not have any genuine right over any portion of it. While she could spend out of the income of that property, she could not dispose of any part of it. In acts of charity, therefore, she was prevented from taking part in the manner she liked. However much, again, the husband oppressed her, she could not be separated from him. In communities in which separation was at all possible, it was on conditions under which self-respecting women preferred death to separation. For instance, a condition of separation was that proof should be furnished, establishing the misconduct of either party, as well as ill treatment on the part of the husband. What was still worse was that in cases in which it was impossible for a woman to live with her husband, instead of complete separation, she was only allowed to live apart, a state of living which itself is a form of torture, for in this way she was compelled to lead an empty, purposeless life. In some cases it happened that while the husband could divorce his wife whenever he liked, the wife in no case could demand a divorce. If the husband deserted her, or abandoned the country without providing for her, she was obliged to linger through life, without the right to devote herself usefully to her country or community. Married life, instead of being a life of happiness, became for her a life of misery. Her obligation it was, not only to undertake the duties of her husband and of herself, but also to wait for her husband. The duty of the husband, namely, to find a living for the household, became hers, as also her own duty, the care and upbringing of her children — mental

discomfort on the one hand, and material responsibilities on the other. All this, in short, was tolerated in the case of this poor, unprotected creature. Women were beaten and considered the property of their husbands. When the husband died, widows were forcefully married to the relatives of their husbands, or else sold for money. In fact, husbands, themselves sold away their wives. Indian princes like the Pandwas lost their wife (there was one for many) in gambling, and against the law of the land, a noble princess like Drupadi could not raise the slightest voice. In the education or upbringing of their children, the mothers were not consulted and they had no rights over their children. If the father and mother separated, the children were handed over to the father. Woman had nothing to do with the household, during or after the lifetime of her husband. Whenever the husband liked, he could drive her out of the house, and she was condemned to wander about homeless.

III

By the advent of the Holy Prophet (on whom be the peace and blessings of God) all these iniquities were wiped away, as it were, with one stroke. He declared that God had particularly entrusted to him the task of safeguarding the rights of women. He proclaimed in the name of God that man and woman by virtue of their humanity, were the equal of each other, and when they lived together, just as man had certain rights over woman, so had woman certain rights over man. Woman could own property in the same way as man. A husband had no right to use the property of his wife, as long as the wife, of her own free will, did not let him have some of it. To seize her property by force, or in a manner which made it doubtful whether her natural shyness had not stood in the way of her refusal, was wrong. Whatever the husband of his own free will should give away to the wife, would be the property of the wife, and the husband would not be able to take it back from her. She was to inherit the property of her parents just as well as her brothers. Only, considering that all the family responsibilities fall on man, and woman's concern is her own self alone, her share was to be one-half of the share of man, that is, out of the property of their (deceased) parents. Similarly, a mother was to have a share in the property of her (deceased) son as well as the father.

Only according to differing circumstances and the nature of her responsibilities in particular cases, she was to have a share at times equal to, and at times less than, that of the father. On the death also of her husband she was to inherit, whether or not there were any children, because she was not to be condemned to a state of dependence on others. Her marriage (it was granted) is, without doubt, a holy alliance, which, after man and woman have cultivated mutual intimacy to the extreme, it is very detestable to break. However, it cannot be that, even after a frightful divergence of nature has been found between the parties, or, in spite of a religious, physical, economic, social or mental discrepancy between them, they should be compelled, in the interest of sheer alliance, to ruin their lives and destroy the purpose of their existence. When differences of this kind appear, and man and woman agree that they cannot live together, they can (it was taught), by mutual consent, revoke the alliance. If, however, only the husband should take this view, but not the wife, and if they fail to adjust themselves to each other, their affairs should be considered by a committee of two members, one representing the husband and the other the wife. If the committee should decide that the parties should yet make an effort to live together, it would be worth while, on their part, to try to settle their differences in the way recommended by the committee. Then if the understanding along this line should prove impossible, the husband could divorce the wife, but in such a case he would have no right to the return of whatever he might have (before divorce) given away to her, including the full value of mahr (marriage settlement). If, on the other hand, the wife should seek separation, and not the husband, she should apply to the Kadhi (Judge), and if the Kadhi is satisfied that there is no unfair motive behind her application, he should order her separation. Only in such a case she will make over to the husband such of his property as had been entrusted to her, as also the value of mahr (marriage settlement.) Should the husband fail to fulfill his marital obligations, or cease to speak to her, or should ask her to sleep apart, he should not be able to go beyond a certain limit of time. If he persists for four months in this kind of treatment, he should be compelled either to reform himself or to divorce her. Should he stop the allowances due to the wife, or go away from her

and no longer take care of her, their marriage should be regarded as null and void. (Three years have been assigned as the limit of the period of abandonment by Moslem jurists). The wife would now be free to marry again. The husband was always to be responsible for the maintenance of his wife and children. He was to exercise only appropriate discipline, but should this discipline ever take the form of punishment, he should have proper witnesses and declare her guilt and base his judgment on evidence. Punishment should not leave any permanent ill-effects behind. A husband does not own his wife. He cannot sell her, nor reduce her to the office of a domestic drudge. His wife shares with him the amenities of the household, and his treatment of her, will have to correspond to the position to which he himself belongs. A treatment which is below that which should belong to the status of the husband would be wrong. On the death of her husband, his people were to have no right over her. She would be free, and a suitable opportunity occurring, she would have the right to marry again. Nobody can stop her from doing so. Nor can a widow be compelled to live in a particular place. Only for about four months and ten days, she would live in her husband's house, so that all those conditions which can have a bearing on her rights and on those of her husband's people, should have time to manifest themselves. For a year after the death of her husband, a widow, whatever else is due to her, is to have in addition, the use of her husband's house, so that she should be able, out of what has been left to her, to make arrangements for her residence. Should the husband find himself not on good terms with his wife, he himself is to keep out of the house, not ask his wife to go out of it, because the household is supposed to be the possession of the wife. In the upbringing of the children, woman has her part. She is to be consulted. In the matter of children, her interest is not to be ignored in any way. Wet-nursing, general caretaking, are to depend on her advice. If husband and wife, finding it impossible any more to live together, should want to separate from each other, the care of the small children should be entrusted to the mother. When they grow up, they should, for purposes of education, come back to the father. As long as the children live with their mother, their maintenance would be provided for by the father. The

father would also pay for the time and labour, the mother would have to spend on account of the children. Woman, in short, was to have an independent status. All the spiritual rewards were to be open to her. She was to command the highest excellences of life after death, and even in this life, she could take part in the different departments of civil administration. In this regard she was to have the same consideration paid to her claims as that accorded to man.

IV

This is the teaching which the Holy Prophet (on whom be the peace and blessings of God) promulgated at a time when the standards of the world were altogether opposed to it. Through these injunctions, he reclaimed woman from the slavery which had been her lot for thousands of years, to which she was forced in every land, and the yoke of which religion had put on her neck. One man, in one time, cut asunder all these chains of serfdom! Bringing freedom to mothers, he at the same time saved their children from slavish sentiments, and provided for the germination and nourishment of great ambition and high resolve!

However, the world did not value the teaching. What was indeed a boon, it branded as tyranny. Divorce and separation it regarded as strife, inheritance as ruining the family, independence of woman as means of the disruption of domestic life. For thirteen hundred years, it went on ridiculing, in its blindness, the things which this one man who could see, had communicated to mankind for their good. It went on condemning his teaching as against human nature. Then came the time that the exquisiteness of the word of God (transmitted through the Holy Prophet) should reveal itself. Those same peoples who looked upon themselves as the bearers of civilization, began to obey the civilizing injunctions of the Holy Prophet. Every one of these peoples, in turn, changed their laws in increasing conformity to the principles preached by the Holy Prophet (on whom be peace.)

The English Law which required misconduct, ill-treatment and beating on the part of either party as essential conditions of divorce, was changed in 1923. Misconduct by itself was accepted by the new law as a sufficient excuse for divorce.

New Zealand decided in 1912, that a wife who has been insane for seven years, should have her marriage dissolved. In 1925, it further ruled that if either husband or wife should not discharge his or her marital obligations, they could be allowed a divorce or separation. If three years elapse without one caring for the other, divorce was in order. A good imitation of Moslem jurists is this, but made after 1,300 years of attacks on Islam.

In the Australian State of Queensland, insanity of five years' duration was regarded as a sufficient reason for divorce. In Tasmania, a law was passed in 1919 that misconduct, desertion for four years, drunkeness, indifference for three years, imprisonment, beating, insanity, shall, one and all, be sufficient conditions of divorce. In Victoria, law was passed in 1923 that should a husband fail to look after his wife for three years, be guilty of misconduct, refuse allowance, or ill-treat his wife, divorce would be possible. Further, it was granted that imprisonment, beating, misconduct on the part of the wife, insanity, unfair treatment and constant strife shall be sufficient excuses for divorce or separation.

In Western Australia, besides the laws, outlined above, the marriage of a pregnant woman has been declared to be void. (Islam, too, holds the same view.)

In the island of Cuba it was decided in 1918 that forcing into misconduct, beating, using foul language, undergoing conviction, drunkenness, gambling habit, failure to discharge obligations, refusing allowances, infectious disease, or mutual agreement, shall be accepted as sufficient conditions of divorce or separation.

Italy enacted in 1919 that woman shall have right over her property. She can spend out of it in charity or sell it as she likes. (Up to this time, in Europe, she was not recognised as the owner of her own property). In Mexico, too, the above conditions have been accepted as being sufficient for divorce. Besides, mutual agreement has also been accepted as sufficient. This law was passed in 1917. Portugal in 1915, Norway in 1909, Sweden in 1920, and Switzerland in 1912, passed laws by which divorce and separation were made permissable. In Sweden, a father is compelled by law to provide, at least up to eighteen years, for the maintenance of every child of his.

In the United States of America, although the law of the land continues to maintain the right of a father over his child, yet in practice the judges have begun to pay regard to the susceptibilities of mothers, and a father is now even compelled to pay for the children (living with their mother). There are, of course, many drawbacks in their law. Although, however, man's rights have been more strictly guarded, woman is being allowed to exercise right over her property. At the same time, in many States it has been passed that if the husband should become a permanent invalid, his wife will have to provide for him.

Women are now being granted the right to vote, and avenues are being opened by which they can come to have a voice in matters of national concern. Yet all these things are coming after full thirteen hundred years have passed since the Holy Prophet (on whom be peace) promulgated his teaching. There are many things which yet await coming. In many countries, women have still no share in the inheritance of either her parents or her husband. Similarly, in several other matters Islam continues to provide guidance to the world, though the world has not yet acknowledged such guidance. The time is not distant, however, when the world will accept the guidance coming from the Holy Prophet (on whom be peace and blessings of God) in these matters as it has already done in others, and the fight which the Holy Prophet initiated on behalf of the freedom of women will bring forth its fruits to the full.

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